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Attorneys for Defendants PROFESSIONAL
BUREAU OF COLLECTIONS, INC. and
PROFESSIONAL BUREAU OF COLLECTIONS
OF MARYLAND, INC.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

GREGORY ALAN MONTEGNA,
Individually And On Behalf Of All
Others Similarly Situated,

Plaintiffs,

vs.

PROFESSIONAL BUREAU OF
COLLECTIONS, INC. a California
Corporation; PROFESSIONAL
BUREAU OF COLLECTIONS OF
MARYLAND, INC., a Maryland
Corporation,

Defendants.

CASE NO. 13-CV-0314-JLS (DHB)

Judge: Janis L. Sammartino
Courtroom: 4A

Action filed: February 7, 2013

**DEFENDANTS PROFESSIONAL
BUREAU OF COLLECTIONS,
INC. and PROFESSIONAL
BUREAU OF COLLECTIONS
OF MARYLAND, INC.'s
NOTICE OF MOTION AND
MOTION TO DISMISS
PLAINTIFF'S COMPLAINT**

[F.R.CIV.P. 12(B)(6)]

Date: June 21, 2013
Time: 1:30 p.m.
Courtroom: 4A

TO PLAINTIFF AND HIS ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on June 21, 2013 at 1:30 p.m., or as soon
thereafter as the matter may be heard in courtroom 4A of the above-named Court, the
Honorable Janis L. Sammartino presiding, Defendants PROFESSIONAL BUREAU

1 OF COLLECTIONS, INC. and PROFESSIONAL BUREAU OF COLLECTIONS
 2 OF MARYLAND, INC. (collectively, "PBCM") will and does move the Court for an
 3 order dismissing Plaintiff's complaint ("Complaint") without leave to amend pursuant
 4 to Federal Rule of Civil Procedure 12(b)(6).

5 The motion is made on the ground that plaintiff Gregory Montegna has failed
 6 to state a claim under California Penal Code section 632. The call recording that is
 7 the subject of this action, which is attached to this motion, reflects that the recording
 8 was not of a "confidential communication" within the meaning of section 632.
 9 Additionally, even if the communication confidential, PBCM complied with section
 10 632 by advising Plaintiff at the outset of the call that it was being recorded. Thus,
 11 PBCM did not violate section 632 as a matter of law.

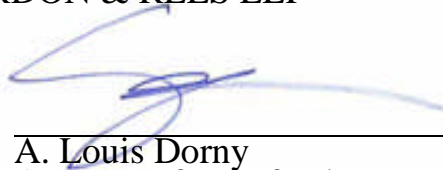
12 This Notice of Motion and Motion are based on the Memorandum of Points
 13 and Authorities, the Request for Judicial Notice, the Declaration of Julie Hill, the
 14 Declaration of A. Louis Dorny, PBCM's Notice of Lodging, any argument of counsel
 15 at the hearing on this motion, and all matters of which the Court may or must take
 16 judicial notice.

17 Respectfully submitted,

18 Dated: May 2, 2013

GORDON & REES LLP

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 20 By:


 A. Louis Dorny
 Attorneys for Defendants
 PROFESSIONAL BUREAU OF
 COLLECTIONS, INC. and
 PROFESSIONAL BUREAU OF
 COLLECTIONS OF
 MARYLAND, INC.